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EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 11/13/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/834,861

Applicant(s)

FANG, ZHENG

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-6, 9-12, 14-16 and 19-23 rejected under 35 U.S.C. § 102(e) as being anticipated by Reece et al, U.S. Patent No. 5,915,214 (hereinafter Reece).

Regarding claim 1, Reece discloses a consumer premises equipment configured to be connected with one of a selectable plurality of call agents (wireless service provider) in response to user input (instantly select), each call agent using one of a plurality of call control (standards used by the selected service provider) languages (col. 3, lines 25-30 and lines 45-60).

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Regarding claim 2, see Figure 9.

Regarding claim 3, see col. 3, lines 25-30 and lines 45-60.

Regarding claims 4 and 5, see col. 10, lines 10-20. Also
see Figure 1.

Regarding claim 6, see col. 3, lines 25-30 and lines 45-60.

Regarding claim 9, see Figure 9. Also see col. 10, lines
10-20.

Regarding claims 10 and 11, see col. 10, lines 10-20.

Regarding claim 12, see Figure 9.

Claim 14 is rejected for the same reasons as claim 1.

Claim 15 is rejected for the same reasons as claim 2.

Regarding claim 16, see col. 3, lines 25-30 and lines 45-
60.

Claim 19 is rejected for the same reasons as claim 10.

Claim 20 is rejected for the same reasons as claim 11.

Claim 21 is rejected for the same reasons as claim 14.

Claim 22 is rejected for the same reasons as claim 21.

Claim 23 is rejected for the same reasons as claim 22.

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 8, 13 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Reece in view of Valentine et al, U.S. Patent Application Publication No. 2002/0058507 (hereinafter Valentine).

Regarding claim 13, Reece does not disclose the CPE is configured to provide VoIP communication. However Valentine discloses this limitation (see abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reece with the VoIP communication disclosed by Valentine. This modification would allow for digital wireless communication as suggested by both Reece and Valentine.

Regarding claim 8, Reece discloses a first service provider and a second service provider wherein the first service provider

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enforces the first call control language and the second service provider enforces the second call control language (col. 3, lines 25-30 and lines 45-60). Reece does not disclose the service providers are VoIP service providers. However Valentine discloses this limitation (see abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reece with the VoIP service provider disclosed by Valentine. This modification would allow for digital wireless communication as suggested by both Reece and Valentine.

Claim 18 is rejected for the same reasons as claim 8.

5. Claims 7 and 17 are rejected under 35 U.S.C § 103(a) as being unpatentable over Reece in view of Sladek et al, U.S. Patent No. 6,622,016 (hereinafter Sladek).

Regarding claim 7, Reece does not disclose the plurality of call control languages are included from the list of NCS, SGCP, MGCP or GR303. However Sladek discloses this limitation (see col. 11, line 48 to col. 12, line 5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reece with the list taught by Sladek. This modification would allow for communication using different protocols as suggested by Reece and Sladek.

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Claim 17 is rejected for the same reasons as claim 7.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah
Patent Examiner
November 3, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

